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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,616	10/19/2001	Kenneth J. Schmier	50558	2681
7590	02/04/2005		EXAMINER	
LAW OFFICES OF PHILIP DALTON 236 WEST PORTAL AVE., NO. 15 SAN FRANCISCO, CA 94127-1423			JAMAL, ALEXANDER	
ART UNIT	PAPER NUMBER			
	2643			

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/040,616	SCHMIER, KENNETH J.
	Examiner	Art Unit
	Alexander Jamal	2643

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 October 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-11 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claim 10** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **Claim 10**, line 8, refers to a 'selected telephone' that is associated with a speaker. It is not clear which telephone (first or second) is associated with the speaker. Examiner assumes the speaker is associated with the first telephone.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1,4-11** rejected under 35 U.S.C. 102(e) as being anticipated by Fleck et al. (6728354).

As per **claim 1**, Fleck discloses a telephone comprising a control circuit to detect an incoming call, an announcement unit to broadcast a voice message indicative of the call (ABSTRACT, Col 3 line 45 to Col 4 line 9).

As per **claim 8**, claim rejected for same reasons as claim 1 rejection. The announcement unit and message storage means may be located together at the telephone (Device 1, Fig. 1)(Col 4 lines 10-20).

As per **claim 9**, claim rejected for same reasons as claim 8 rejection.

As per **claim 10**, claim rejected as a method performed by the device of the claim 1 rejection. Additionally, Fleck discloses the message memory may or may not be a part of the telephone (device 1), and that the announcement unit may be part of a central office (Col 1 lines 48-59). A central office will complete the connection between two telephones if the user of the called telephone answers the call.

As per **claim 11**, claim rejected for same reasons as claim 10 rejection. There is an additional embodiment where the call announcement voice message is input at the calling telephone (second telephone) and transferred to the called telephone (first telephone) (Col 5 line 55 to Col 6 line 20).

As per **claim 4**, the announcement unit of the telephone comprises a sound player, output unit 8 (Col 4 lines 20-30), that may play a prerecorded message.

As per **claim 5**, claim rejected for same reasons as claim 8. rejection.

As per **claim 6**, the telephone comprises a digital (RAM,ROM, Col 4 lines 15-20) sound recorder that inherently comprises a microphone for the purpose of recording the sound.

As per **claim 7**, the telephone inherently comprises a voice synthesizer unit for the purpose of playing the ring-announcement voice messages at the telephone.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2,3** rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck et al. (6728354) as applied to claim 1.

As per **claims 2,3**, Fleck discloses applicant's claim1, however Fleck does not specify what type of telephone may be used in the system.

Fleck specifies that the system may be utilized by telephones (Col 2 lines 65-68).

It would have been obvious to one of ordinary skill in the art at the time of this application that any type of telephone (wireless, cellular, landline ect.) could be used as part of the system for the reason that Fleck's ring announcement system does not depend upon the medium (copper wire, or air) used to transport the voice/data between the phones.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 703-305-3433. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 703-305-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9315 for After Final communications.

AJ
February 1, 2005


CURTIS KUNTZ
SUPPLY PATENT EXAMINER
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